

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/631,730
Attorney Docket No. Q60282

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-10 are pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claim 1 has been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Examiner has alleged the claim to contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Examiner believes that the limitation in claim 1 “disclosing said coordinates obtaining step being not restricted in sequence of the step to be executed is not supported in detail, nor does the specification emphasize such a process.” (Office Action Page 3). The rejection is respectfully traversed.

Applicant respectfully refers Examiner to page 5, lines 23-25 of the specification, in which it is stated that “said coordinates obtaining step being not restricted in sequence of the step to be executed.” The coordinates obtaining step is claimed to not be required to be performed in any particular order in relation to the image data obtaining step and the first conversion step. The plain language of this recitation is believed to be sufficiently clear to one skilled in the art. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, are respectfully requested.

Rejection Under 35 U.S.C. § 102(b) - Ueda

Claims 1, 2, 6-8 and 10 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ueda (U.S. Patent Number 6,172,681 B1). As a preliminary matter, Applicant points out to Examiner that Ueda, with a date of patent of January 9, 2001, does not qualify as a 35 U.S.C. § 102(b) reference. However, the rejection is still respectfully traversed.

Regarding claim 1, Applicant's claimed invention relates to extracting an association among colors before and after color correction. Image data is obtained from an input device receiving an original image. The image data is converted into coordinate values of a colorimetry color space describing a measured value of a color and in accordance with a characteristic of the output device. Coordinate values of the colorimetry color space corresponding to the color of the original image are also obtained, without restriction in sequence of the step to be executed. Applicant's color correcting relation extracting method extracts the association between colors before and after the color correction.

Turning to the cited art, the disclosure of Ueda does not anticipate the claimed invention. While Ueda may refer to a color adjustment and conversion method, there is no teaching of all elements of Applicant's invention, as claimed. Examiner cites to Ueda's figure 6 and column 8, lines 15-60, which describe a look up table (LUT) within which color data values, including those adjusted directly by a user, are stored. Ueda produces sets of RGB color data indicative of color states of a plurality of picture elements of the original image picked up by an image pick up device. Ueda also converts the RGB data sets into a plurality of Lab color data sets defined in the L*a*b* colorimetric system.

However, Ueda does not disclose that image data is subjected to a color correction. Although Ueda describes obtaining an RGB image data from a pickup device (column 8, lines 36-45), there is no teaching or suggestion that the data is subjected to a color correction, as claimed. Ueda also does not disclose a first conversion step in which the conversion is "in accordance with characteristics of an image output of the output device," as recited in claim 1. Examiner has relied on column 8, lines 45-60 of Ueda for this teaching. However, Ueda only describes that RGB data is converted into Lab data, and there is no teaching or suggestion in Ueda that the conversion is in accordance with characteristics of an image output of the output device.

Further, Examiner contends that the claimed coordinates obtaining step is disclosed in column 8, lines 15-60. However, Ueda's RGB image data is not subjected to color correction, as discussed above. Assuming arguendo that Ueda's RGB image data is color corrected, Ueda

would necessarily teach the obtaining of Lab data representing the corrected color of the image, and not obtaining coordinate values corresponding to the color of the original image, as disclosed (column 8, lines 15-60). On the other hand, assuming arguendo that coordinate values corresponding to the color of the original image is obtained, RGB data obtained from Ueda's image pick up device **must represent uncorrected original data**, which contradicts the above assumption.

Examiner also asserts that Ueda discloses an association between colors before and after the color correction is extracted, referring to column 8, lines 15-55 of Ueda. However, Ueda teaches obtaining only a single kind of Lab data, which cannot extract the association between colors before and after color correction, as recited in the claimed invention. The *association* is defined in exemplary embodiments of the present invention as an interrelation between plural device-dependent coordinates, such as Know-how (50) in Figs. 1 and 2, Know-how (90) in Fig. 3 and Know-how (140) in Fig. 4. Lab values in Ueda may be coordinates, however, there is no teaching or suggestion of any extraction of an association between colors before and after the color correction (no extraction of association between Lab values), as claimed. Furthermore, Ueda's Fig. 6 only shows an association between the device-independent Lab value and the device-dependent CMY value, thus there is no teaching or suggestion that "an association between colors before and after the color correction is extracted," as claimed.

At least by virtue of the aforementioned differences, Applicant's claimed invention distinguishes over Ueda. Applicant's claims 2, 6-8 and 10 are dependent claims including all of the limitations of independent claim 1, which, as established above, distinguishes over Ueda. Therefore, Ueda does not anticipate claims 2, 6-8 and 10 for at least the aforementioned reasons as well as for their additionally recited features.

With further regard to claim 10, this claim specifies the colorimetry space, which takes into account characteristics of a device output, and comprises a device-independent space. To the extent Ueda teaches a conversion taking the output device into account, the color space is a device-dependent space.

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Rejection Under 35 U.S.C. § 102(e) - Saikawa et al.

Claim 9 has been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Saikawa et al. (U.S. Patent Application Publication Number US 2004/0240728; hereinafter "Saikawa"). Applicant respectfully submits that Saikawa is not a prior art reference because the earliest possible effective filing date of Saikawa is August 1, 2000, which is after Applicant's priority date filing of Japanese Application Number 11-220781 (filed August 4, 1999). Accordingly, a verified English translation of the foreign priority document (Japan 11-220781) is submitted concurrently with this Amendment. Withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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